

Westlaw.

1983 WL 1938  
1984-1 Trade Cases P 65,776  
(Cite as: 1983 WL 1938 (E.D.Pa.))

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United States District Court; E.D. Pennsylvania.

**Paul J. Bogosian, et al.**  
**v.**  
**Gulf Oil Corp., et al.**

**Consolidated Class Actions No. 71-1137**  
**Consolidated Class Actions No. 71-2543**

Dated December 16, 1983

VAN ARTSDALENS, J.

**Class Action Order No. 86**

\*1 Upon consideration of defendant Exxon's motion for permission to depose, as potential witnesses, unnamed plaintiff-class members, plaintiffs' response thereto and defendant's reply; and

Whereas, the court has stated that formal discovery, including interrogatories, requests for production and depositions of the more than 200,000 unnamed plaintiff-class members as parties to this litigation would be precluded; and

Whereas, paragraph numbered 8 of Appendix A of Class Action Order No. 63 provides that witnesses identified as trial witnesses by any party may be deposed before trial; and

Whereas, defendants may seek to call unnamed plaintiff-class members as trial witnesses; and

Whereas, Class Action Order No. 82 provides defendants with an opportunity to communicate directly and privately with unnamed plaintiff-class members under certain guidelines established by the court, in lieu of the taking of depositions of unnamed plaintiff-class members as parties; and

Whereas, defendant Exxon's present motion seeks unlimited court approval to depose, as witnesses,

unnamed plaintiff-class members subject only to Exxon's representation "that, if granted, Exxon will only take the depositions of those unnamed plaintiff-class members where Exxon believes such depositions are necessary to prepare Exxon's defense at trial,"

It is Ordered that Exxon's motion is denied, provided, however, that Exxon may be entitled to depose as witnesses, unnamed plaintiff-class members who are properly and in good faith identified as trial witnesses.

1983 WL 1938, 1983 WL 1938 (E.D.Pa.), 1984-1 Trade Cases P 65,776

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